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MCDERMOTT, WILL & EMERY (LOS ANGELES OFFICE)  
2049 CENTURY PARK EAST  
34TH FLOOR  
LOS ANGELES, CA 90067-3208

In re Application of :  
FREEBAIRN, Neil et al. :  
Application No.: 10/529,920 : DECISION ON  
PCT No.: PCT/GB02/04499 :  
Int. Filing Date: 04 October 2002 : PETITION  
Priority Date: None :  
Attorney Docket No.: 072995-0015 : UNDER 37 CFR 1.47(a)  
For: COMMUNICATIONS NODE :

This is a decision on applicants' "Petition Under 37 C.F.R. §1.47," filed in the United States Patent and Trademark Office (USPTO) on 06 February 2006.

**BACKGROUND**

On 04 October 2002, applicants filed international application PCT/GB02/04499. A copy of the international application was transmitted to the Office on 10 April 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 04 April 2005.

On 01 April 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 31 August 2005, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for late filing of the search fee, examination fee or oath or declaration was required.

On 06 February 2006, applicants submitted a petition under 37 CFR 1.47(a), which was accompanied by, *inter alia*, a declaration of inventorship and a supporting declaration. The petition included a certificate of mailing indicating that it was deposited in the mail on 31 January 2006 and the fee for a three month extension of time.

**DISCUSSION**

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the non-signing applicant.

Items (1), (3), and (4) have been satisfied. The balance of the \$200 petition fee will be charged to deposit account no. 50-1946, as authorized. Applicants list Roger William Stuart Lewis's address as 21 Captain Square, London E14 3EU, United Kingdom. The declaration complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.47(a).

Item (2) has not been satisfied. Applicants have not furnished evidence of receipt of the complete copy of the application papers, including the declaration, by the non-signing inventor. Applicants indicate that only the declaration and assignment were sent to the non-signing inventor, not a complete copy of the application papers, as required. A refusal to sign in the absence of presentation with a complete copy of the application papers is not normally sufficient. MPEP 409.03(d).

**CONCLUSION**

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

*Erin P. Thomson*

Erin P. Thomson  
Attorney Advisor  
PCT Legal Administration

Telephone: 571-272-3292  
Facsimile: 571-273-0459